

Town Board Minutes

Meeting No. 5

Regular Meeting

February 26, 1996

MEETINGS TO DATE 5
NO. OF REGULARS 4
NO. OF SPECIALS 1

LANCASTER, NEW YORK
FEBRUARY 26, 1996

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 26th day of February, 1996 at 8:00 P.M. and there were

PRESENT: DONALD E. KWAK, COUNCIL MEMBER
JOHN T. MILLER, COUNCIL MEMBER
MARK A. MONTOUR, COUNCIL MEMBER
DONNA G. STEMPIAK, COUNCIL MEMBER
ROBERT H. GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR
THOMAS E. FOWLER, CHIEF OF POLICE
JOHANNA M. COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:

1. Complained of diesel fumes migrating off site at the Tops construction site.
2. Alleged that, according to his calculations, the Tops building height exceeds the 45 foot maximum permitted height.

Heckl, Robert, 706 Pavement Road, spoke to the Town Board on the following matters:

1. Requested a brief explanation of any anticipated suspended resolutions not on the prefiled agenda.
2. Complained of diesel fumes migrating off site at the Tops distribution site construction project.
3. Inquired about the issuance of an occupancy permit for a partially complete building.

Joseph, Dorothy, 5962 Genesee Street, spoke to the Town Board on the following matter:

Complained of mud and dust from the Tops construction site.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

1. Street light installation at the entrance to Walden Trace Subdivision.
2. Sidewalks on the foot bridge connecting Southpoint and Forestream Subdivisions.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matter:

Questioned a recent headline in the Metro News reporting on a Town/School District technology project.

Moessinger, Debbie, 1312 Ransom Road, spoke to the Town Board on the following matter:

Complained of diesel fumes migrating off site at the Tops construction site.

Baehre, David, 5755 Genesee Street, spoke to the Town Board on the following matters:

1. Relocation of Williamsville toll barrier east of Transit Road.
2. Purchase of Buffalo Crushed Stone property on Genesee Street for a conservation area.

PUBLIC HEARING SCHEDULED FOR 8:05 P.M.:

At 8:05 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Susan T. Palumbo for a Special Use Permit for a Home Occupation (Beauty Salon) on premises locally known as 9 Brunck Road, Town of Lancaster, County of Erie, State of New York.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented a copy of a letter which was mailed to the Petitioner notifying her of the time and place of this Public Hearing.

PROPOSERS	ADDRESS
Susan Palumbo, the petitioner	9 Brunck Road, Lancaster

OPPOSERS	ADDRESS
None	

COMMENTS & QUESTIONS	ADDRESS
None	

PUBLIC HEARING SCHEDULED FOR 8:05 P.M. CONT'D.:

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:15 P.M.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon the rezone petition of Niagara Lutheran Home & Rehabilitation Center for an amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning property located on the south side of Broadway, east of Cemetery Road and locally known as 5949 Broadway from a MFR 3 - Multi-Family District three and an AR - Agricultural-Residential District, to a RCO - Residential Commercial Office District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed to the Petitioner, the Erie County Division of Planning, and property owners of record within 200 feet of the proposed rezone site, notifying them of the time and place of this Public Hearing.

PROPOSERS	ADDRESS
Scott Jones, Architect	
OPPOSERS	ADDRESS
None	
COMMENTS & QUESTIONS	ADDRESS
Richard Rozler	5959 Broadway, Lancaster

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by a majority voice vote, the Public Hearing was closed at 8:15 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board held on February 5, 1996 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER , TO WIT:

WHEREAS, Patrick Development of WNY, Inc., 8610 Transit Road, East Amherst, New York 14051, the general construction contractor for alterations on the Lancaster Police Garage, has submitted Change Order No. G4 in the amount of \$1,439.09 to the Town Board for its approval, and

WHEREAS, the Town Engineer, by letter dated February 2, 1996, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves a Change Order No. G4 to Patrick Development of WNY, Inc. with respect to the Police Garage Project according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER NO. G4:

Furnish and install custom roof curbs	\$2,719.20
Balance remaining from testing allowance	(1,280.11)
TOTAL CHANGE ORDER NO. G4	1,439.09

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RCHANGE.ORD (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, R.G. Rechin, 1441 South Creek Road, Derby, New York 14047,
the HVAC contractor for alterations on the Lancaster Police Garage, has
submitted Change Order No. H-1 in the amount of -(\$200.00) to the Town Board
for its approval, and

WHEREAS, the Town Engineer, by letter dated February 2, 1996, has
recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
approves Change Order No. H-1 to R.G. Rechin with respect to the Police Garage
Project according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER CONTRACT NO. H-1:

Provide a credit for returned roof curbs (\$200.00)

TOTAL CHANGE ORDER NO. H-1 DEDUCT (200.00)

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute
this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RCHANGE.ORD (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK ,TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by memorandum dated February 7, 1996, has requested permission to attend the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN) annual meeting in Cincinnati, Ohio from April 29, 1996 through May 3, 1996, and

WHEREAS, the cost of the airline transportation and hotel accommodations is covered by MAGLOCLEN and does not represent a cost to the Town of Lancaster Police Department,

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police of the Town of Lancaster be and is hereby authorized to attend the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN) annual meeting in Cincinnati, Ohio from April 29, 1996 through May 3, 1996, and

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby authorized for meals and the conference registration fee of \$100.00, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RSEMMTGS (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, by resolution dated January 1, 1996, designated the Lancaster Bee as the official newspaper for the publication of Town of Lancaster legal notices, and

WHEREAS, the previous Town Board, by resolution dated September 6, 1994, ordered the concurrent publication of official Town legal notices and advertisements in the Metro Community News, a newspaper not qualifying for designation by the Town Board as an official newspaper, and

WHEREAS, the Town of Lancaster paid \$5,674.00 of 1995 Budget funds to the Metro Community News for publication of official legal notices and advertisements, and

WHEREAS, the sponsor of this resolution does not believe this expenditure of Town funds to be cost effective because of the small size of the print in the legal notices and because the legal notices already appear in the Lancaster Bee, the official Town newspaper, and

WHEREAS, the Metro Community News is provided at each Town Board meeting with a packet containing all Town Board resolutions and communications for their use in disseminating Town Board legislation as noteworthy news items,

NOW, THEREFORE, BE IT

RESOLVED, that the resolution adopted by the Town Board on September 6, 1994, ordering the concurrent publication of official Town legal notices and advertisements in the Metro Community News, be and is hereby rescinded.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STERNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RMISC (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by
letter dated February 6, 1996, has requested the addition of a probationary,
non-resident active member to and the deletion of a member from, the
membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition to and deletion from the membership of the Bowmansville
Volunteer Fire Association, Inc. of the following individuals:

ADDITION

Anthony Martino
100 Hatch Court
Cheektowaga, New York 14225

DELETION

Robert Lorenz
24 Cloverleaf Drive
Depew, New York 14043

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RFIRE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Lovejoy Builders, 1164 Lovejoy Street, Buffalo, New York 14206, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Michael's Landing Subdivision,

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 432 of Lovejoy Builders, 1164 Lovejoy Street, Buffalo, New York 14206 for the installation of:

P.I.P. No. 432 - Install 4' wide concrete sidewalk along north
(Sidewalk) entrance road to Michael's Landing Subdivision.
250' long.

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RPIP (P10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK , TO WIT:

WHEREAS, in a resolution dated December 18, 1995 the
Town Board approved a transfer of funds within the 1996
Adopted Part Town Highway Fund Budget and,

WHEREAS, the Town Board and Highway Superintendent
have deemed that the fund transfer will no longer be
needed for the purpose it was originally intended.

NOW, THEREFORE, BE IT

RESOLVED, that in order to reverse the above
mentioned funds transfer, the following transfer within
the 1996 Adopted Part Town Highway Budget of the Town
of Lancaster be and is hereby approved:

FUND APPROPRIATION:

	<u>Increase</u>	<u>Decrease</u>
013.9040.804 Workers Comp. Ins.	17,250.00	
013.5130.102 Wages - Overtime	10,000.00	
013.5142.435 Chemicals	4,485.00	
013.5110.101 Wages - Hourly		31,735.00

The question of the adoption of the foregoing
resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA, WHO MOVED ITS
 ADOPTION, SECONDED BY COUNCIL MEMBER
 MILLER , TO WIT:

WHEREAS, Patrick Development of WNY, Inc., 8610 Transit Road, East Amherst, New York 14051, the general construction contractor for the Lancaster Youth Bureau Project, has submitted Change Order No. G2 in the amount of (\$1,944.00), and Change Order No. G3 in the amount of \$2,996.94 to the Town Board for its approval, and

WHEREAS, the Town Engineer, by letter dated February 12, 1996, has recommended such change orders,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. G2 and Change Order No. G3 to Patrick Development of WNY, Inc. with respect to the Youth Bureau Project according to the following description of changes to contract:

DESCRIPTION OF CHANGE ORDER NO. G2:

Provide a credit for change from King Post system to arch.	Deduct	(\$4,500.00)
Provide labor and materials required and outlined to accommodate the above mentioned change.	Add	\$2,556.00
	Total Deduct	(\$1,944.00)

DESCRIPTION OF CHANGE ORDER NO. G3:

Per SK-G3, provide labor and materials necessary to change 4" sanitary line to 6" as required by the Erie County Sewer Department	Add	\$2,996.94
	Total Add	\$2,996.94

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RCHANGE.ORD (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric and Gas Corporation has submitted a proposal dated February 15, 1996 for installation of street lighting on Walden Avenue (entrance to Walden Trace Subdivision) within Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the said Lighting Committee, after investigation, review and consideration has recommended acceptance of this proposal,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric and Gas Corporation be and is hereby authorized to make the following installation on Walden Avenue (entrance to Walden Trace Subdivision) :

Walden Avenue (entrance to Walden Trace Subdivision)

Install 1 - 3300 Lumen High Pressure Sodium Lamp
@ \$57.30 each

TOTAL ANNUAL INCREASE - \$57.30

and,

BE IT FURTHER

RESOLVED, that this proposal is made contingent upon the terms and conditions covered in New York State Electric and Gas Corporation's Street Lighting Tariff Agreement with the Town of Lancaster, District No. 1.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STERNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Chief of Police, by Memo dated February 13, 1996, has requested authorization from the Town Board to purchase a maximum of thirty-three (33) firearms for use by Town Police officers, and

WHEREAS, the Board has been advised that the state bid price for the said firearms is \$379.00 per unit, for an estimated total amount of \$14,000.00, and

WHEREAS, the Lancaster Town Police Department has the funds in its "Drug Forfeiture Account" to pay the full cost of this equipment, so that no Town of Lancaster tax dollars will be required to make this purchase, and

WHEREAS, the Public Safety Committee of the Town Board has reviewed this request and deems it in the interest of public safety and the safety of the police officers to approve this purchase;

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police of the Town of Lancaster be and is hereby authorized to purchase a maximum of thirty-three (33) firearms at the State bid price of \$379.00 each, from Amchar Wholesale, Inc., 100 Airpark Drive, Rochester, New York 14624, for a total estimated cost of \$14,000.00, with said funds being provided from the "Drug Forfeiture Account" of the Police Department, and no Town of Lancaster tax dollars required to make this purchase.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER MONTOUR ,
TO WIT:

WHEREAS, the Building Inspector of the Town of Lancaster has apprised and documented to the Town Board that he has forty-two (42) hours of vacation time accrued which he cannot take by his anniversary date, and

WHEREAS, the Town Board must allow for an exception to the Personnel Rules for town employees to permit the carryover of vacation time to the following year;

NOW, THEREFORE, BE IT

RESOLVED, that the Building Inspector of the Town of Lancaster shall be permitted to carryover his unused forty-two (42) hours of vacation time to his next year of service with the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MONTOUR , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK , TO WIT:

WHEREAS, the Highway Superintendent has submitted a proposed Agreement to the Town Board of the Town of Lancaster for the expenditure of highway funds for the year 1996, pursuant to the requirements of the Highway Law of the State of New York, and

WHEREAS, the Highway Superintendent has advised that the allocation of money in the proposed Agreement for general repairs to be carried out includes the cost of labor and materials, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the proposal by the Highway Superintendent;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the execution of the proposed Agreement to Spend Town Highway Funds as submitted by the Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the sponsor of this resolution desires to create a temporary position specific to various inspection duties in the Building Inspector's Office of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and sign Form PO-17 (New Positions Duties Statement) for the purpose of obtaining the appropriate service title for an anticipated temporary position specific to various inspection duties in the Building Inspector's Office of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RPERS.CRE (P8)

PREFILED RESOLUTION NO. 15 - MEETING OF 02/26/96

15. Montour/_____ Adopt Bond Resolution \$380,000.00 Purchase Of Various
Equipment For Highway Department

At the request of Council Member Montour, this resolution
was withdrawn for further study.

PREFILED RESOLUTION NO. 16 - MEETING OF 02/26/96

16. Montour/_____ Authorize Publication Of Bond Resolution \$380,000.00
Purchase Of Various Equipment For Highway Department

At the request of Council Member Montour, this resolution
was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 6540 to Claim No. 6860 Inclusive

Total amount hereby authorized to be paid: \$696,890.93

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER STEPNIAK TO WIT:

RESOLVED, that the following Building Permit Applications
 be and are hereby approved and the issuance of these Building Permits be
 and are hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
3133		LPRC Unlimited	344 Harris Hill Rd	Er. Day Care
3134		Alliance Homes	3956 Walden Ave	Er. Townhouse
3135		Ciminelli Cowper	5895 Genesee St	Dem. Storage Bldg
3136		Santoro Signs Inc	4087 Walden Ave	Er. Sign
3137		Skarbowski Const	17 Bridlepath Ln	Ex. Sin. Dwlg
3138		Centennial Homes Inc	7 Broadmoor Ct	Er. Sin. Dwlg
3139		M J Ogiony	13 Cobblestone Ct	Er. Sin. Dwlg
3140		Kazimer Krauze	106 Pavement Rd	Er. Fence
3141		NDC Realty Inc	17 Ryan St	Er. Sin. Dwlg
3142		Professional Fence	12 Sagebrush Ln	Er. Fence
3143		Stafford Trueheart	292 Pleasant View Dr	Rem. Basement
3144		Country Greenhouse & Farm Mkt	473 Aurora St	Dem. Greenhouse
3145		Pace Bldrs Inc	14 Clermont Ct	Er. Sin. Dwlg
3146		William Kirschner	43 Signal Dr	Er. Deck
3147		Ryan Homes	7 Park Wlk	Er. Sin. Dwlg
3148		Ryan Homes	5 Park Wlk	Er. Sin. Dwlg
3149		Alliance Homes, Inc	8 Ryan St	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein
 coded (SW) for sidewalk waiver be and are hereby approved with a waiver
 of the provisions of Chapter 12-1B of the Code of the Town of Lancaster
 which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER STEMPNIAK ,
TO WIT:

WHEREAS, the Town of Lancaster has an open position on file with the Erie County Personnel Department titled Recreation Director P.T. (part-time), which is in the non-competitive class, and

WHEREAS, the Town Board of the Town of Lancaster, by resolution dated February 7, 1994, by a 3-2 vote, voted to abolish the beforementioned position, but no confirmation of this action was forwarded to the Erie County Personnel Department which authorizes the creation of positions, job titles, and duties statements pursuant to the authority contained in the Civil Service Law of the State of New York, and

WHEREAS, the present Town Board, after due review and consideration deems it in the public interest of the Town of Lancaster to have the position of Recreation Director P.T. (part-time) which is an open position on the Erie County Personnel Department records, an active position in the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby rescinds the resolution of the Town Board dated February 7, 1994 in which the position of Recreation Director P.T.(part-time) was abolished and re-authorizes effective immediately the position of Recreation Director P.T. (part-time) for the Town of Lancaster, this position being an open position for the Town of Lancaster on Civil Service records in Erie County Personnel Department.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER MONTOUR ,
TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has given due review and consideration to the state of affairs involving the administration and operation of the Office of Parks, Recreation and Forestry, together with the necessary functions of operating the Senior Services Program and facility, as well as the operation and maintenance of buildings and grounds owned by the Town of Lancaster, and

WHEREAS, there has been no department charged specifically with the operation of the Senior Citizens Facility and the operation of Building and Grounds, but rather the same was handled under the auspices of the position of Director of Recreation II, which title was charged only with supervising the recreation programs for the Town, and

WHEREAS, the Town Board deems it in the public interest to cause the creation of a department to be known as "Parks, Senior Facility and Buildings and Grounds", and the appointment of a department head in the non-competitive class of General Crew Chief to manage this department serving at the pleasure of the Town Board, as set forth in Town Law, §24;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby establishes the town department of Parks, Senior Facility, Buildings and Grounds, and appoints Terrence McCracken to the non-competitive title of General Crew Chief to head this department to oversee the operation and maintenance of all Town Parks, the Senior Facility and Buildings and Grounds owned or operated by the

Town, including tree care in the parks and right-of ways of the Town and tree planting, and further designates this appointed department head to be the administrative official to whom the Recreation Director P.T. shall report to as outlined in the resolution making the appointment to Recreation Director P.T.(part-time), and

2. The annual salary for this position be and is hereby set at \$39,500.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

File: RCRCHF.226

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER MONTOUR ,
TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the operations and functions of the office of Parks, Recreation and Forestry of the Town of Lancaster, and has received a report from the consultant employed by the Town on this matter, and

WHEREAS, the Town Board, after due consideration, now deems it in the public interest to make changes in the operation of the beforementioned department to assure that the functions carried out by this department are done so in an efficient manner, and

WHEREAS, the position of Director of Recreation II sets forth duties involving only recreational activities which have in the past been performed in a part-time capacity for the Town;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the position of Director of Recreation II is hereby abolished effective immediately, and in place thereof, the Town shall carry the position of Recreation Director, P.T. (part-time) for the purpose of programming recreation related activities, and the present Director of Recreation II is hereby relieved of his duties and the title as such.

2. That Michael Murray is hereby appointed to the non-competitive position of Recreation Director P.T. (part-time);

3. This position shall carry a work schedule of Fifteen (15) hours per week, and compensation shall be set at \$14.00 per hour for this position, and shall not include the use of a Town vehicle;

4. The duties of this position shall be as set out in the PO-17 on file in the Supervisor's office;

5. The Recreation Director P.T. is hereby further directed, effective immediately, to report to the General Crew Chief who has been appointed to head the Department known as Parks, Senior Facility and Buildings and Grounds, as the administrative official designated by the Town Board for this purpose; and

6. Said reporting is to be done on a daily basis, or as otherwise directed by the General Crew Chief, on matters involving program, budget, personnel assignment, purchasing and the operation and maintenance of equipment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 26, 1996

COMMUNICATIONS

97. Michael Beilman to Town Board - Opinion re: litigation concerning 18 Old School- house Rd.	TOWN ATTORNEY
98. Town Engineer to Town Board - Transmittal of change orders for Police Garage Project.	R & F
99. Joyce/Richard Farrell to Town Board - Request Planning Board meeting format be changed to allow public comment and question period.	R & F
100. Building Inspector to Town Board - Request vacation time remaining from 1995 be credited to 1996 vacation schedule.	R & F
101. Town Clerk to Town Board - Annual Report for 1995.	R & F
102. Town Clerk to Supervisor - Monthly report for January 1996.	R & F
103. Police Chief to Chair., Public Safety Committee - Request permission to attend Middle Atlantic- Great Lakes Organized Crime Law Enforcement Network meeting in Cincinnati, Ohio from 4/29- 5/3/96.	R & F
104. U.S. Dept. of Justice to Receiver of Taxes - Request property situate at 509 Pleasant View Dr. be placed in tax exempt status from 12/22/95 to date property is sold.	TOWN ATTORNEY
105. Building Inspector to Supervisor - Concerns re: Town Hall roof.	BUILDING COMMITTEE
106. Supervisor to Town Board - Drawing of signage for Senior Center -	R & F
107. Raymond W. Gwarek to Town Board - Request appointment as Police Commissioner.	PUBLIC SAFETY COMM.
108. Industrial Forum of Eastern Erie County to Town Board - Invitation to attend 6th Annual Howard A. Benzel Memorial Golf Tournament to be held 6/3/96 at Grand Island.	R & F
109. R. Giroux, Parks and Recreation to Town Board - Request Board initiate dialogue with Village of Lancaster re: installation of traffic warning signs on Aurora St. - Artel Metz Dr. and Senior Citizens Center.	PUBLIC SAFETY COMM.
110. Municipal Insurance Consultants to Supervisor - Request opportunity to meet with Insurance Comm. to discuss services.	FINANCE AND MGT. COMMITTEE
111. Albert M. Stutz to Supervisor - Expression of dissatisfaction with Jones Inter- cable programming and cost of same.	CABLE TV COMMITTEE
112. Vince Croglia to Supervisor - Request appointment to Planning Board.	R & F
113. Municipal Insurance Consultants to Supervisor - Transmittal of brochure and reference list re: services.	FINANCE AND MGT. COMMITTEE
114. Hayden/Wegman to Town Engineer - Transmittal of invoice for work performed for period 12/30/95-1/26/96 re: Water System Improvements - Phase 1, Aurora Rd., Glendale Dr. Parkdale Dr., and Steinfeldt Rd.	R & F

COMMUNICATIONSDISPOSITION

115. Mary Ann/Michael Tober to Town Attorney - Reiteration of interest in buying property behind their property at 82 Old Post Rd.	TOWN ATTORNEY
116. Bowmansville V.F.A. to Town Board - Notification of addition and deletion of members to roster.	R & F
117. Supervisor to Building Inspector and Assessor - Request comments re: distribution by DCO and assistants of recycling bins and various Town literature.	R & F
118. County Div. of Highways to Town Clerk - Notice of denial of signal at intersection of Central Ave. at Impala Pkwy. and Country View Way	PUBLIC SAFETY COMM.
119. Town Attorney to M/M Michael Tober - Advisement that Town Master Plan has not been adopted in re: to purchase of Town-owned property.	R & F
120. County Div. of Highways to Highway Supt. - Request changes be made re: plowing of Pavement Rd. and Aurora St.	HIGHWAY COMMITTEE
121. State Board of Real Property Services to Supervisor - Transmittal of Notice of Tentative State Equalization Rate for 1995 Assessment Roll.	R & F
122. Lancaster Village Clerk to Supt., Lancaster Central School District - Response to correspondence re: traffic signal at Como Blvd. and Aurora St.	PUBLIC SAFETY COMM.
123. Clough, Harbour & Associates to Town Engineer - Transmittal of information re: public improvement permit procedures.	PLANNING AND ZONING COMMITTEE
124. NYS Off. of Parks, Recreation and Historic Preservation to Supervisor - Notification of denial of application for funding of Natatorium/Fitness Center.	R & F
125. Earth Info Sciences to Supervisor - Transmittal of "Land Information systems - For Your Consideration" re: anticipated planned growth.	R & F
126. Food Plant Engineering, Inc. to Ciminelli-Cowper - Concerns re: Bowmansville V.F.A. recommendations pertaining to Tops Markets, Inc.	ENGINEER
127. Malcolm Francis to Town Board - Request compensation for unused sick time.	SUPERVISOR
128. Town Clerk to Building Inspector - Notification of suspension of building permits for Regents Park subdivision due to failure of developer meeting condition in resolution adopted 12/18/95.	R & F
129. Town Clerk to Supervisor - Request members of Records Management advisory Board be excluded from filing disclosure statement under Code of Ethics.	TOWN ATTORNEY
130. Town Engineer to Town Board - Transmittal of change orders for Youth Bureau Project.	R & F
131. Town Engineer to Town Board - Request submittal of information to FEMA re: floodway revisions at Forestream Subdivision.	R & F

COMMUNICATIONSDISPOSITION

132. The Leahy Co. to Supervisor - Letter Agreement relative to Workers' Comp Insurance Premium Recovery Service.	R & F
133. NYSEG to Supervisor - Street lighting proposal for entrance to Walden Trace Subdivision.	R & F
134. Highway Supt. to Town Board - Transmittal of "Agreement To Spend Town Highway Funds" for execution.	R & F
135. County Clerk of the Legislature to Various Officials Transmittal of resolution re: establishment of a Joint Municipal Commission.	TOWN ATTORNEY
136. Resident to Town Board - Comments regarding rezone of property previously owned by Gherlinger off of Transit Road.	PLANNING AND ZONING COMMITTEE
137. Residents to Town Board - Comments regarding rezone of property for Niagara Lutheran Home.	PLANNING AND ZONING COMMITTEE
138. ECDEP to Supervisor - Comments regarding application for 1996/97 Erie County Consortium Community Block Grant Program.	SUPERVISOR
139. NYS Public Service Commission to Town Board - Notice of hearing for public comment on National Fuel Gas Distribution Corp. pending rate increase application.	TOWN ATTORNEY ASSESSOR
140. Donald Gallo to Town Board - Final inspection agenda and minutes of meeting Westwood Park	PARKS AND RECREATION COMMITTEE
141. Congressman Quinn to Supervisor - Information regarding flood damages in the Western New York area.	R & F
142. ECDEP Div of Sewerage Mgt. to Town Board - Transmittal of sewer service charges.	SUPERVISOR
143. Supervisor to State Comptroller - Transmittal of Supervisor's Annual Report for fiscal year ended December 31, 1995.	R & F
144. Building Inspector to Bowmansville Vol. Fire Assoc. Comments regarding fire protection in the Tops Distribution Center.	R & F
145. Triton Valley Estates to Town Board Invitation to Home Show for Manufactured Homes.	R & F
146. Evenson Dodge to Supervisor - Reply to request for proposals for financial advisory services.	SUPERVISOR
147. Chairman Board of Trustees Lancaster Service Awards Program to R. Schmitt and Associates - Transmittal of list of current board.	R & F
148. Erie County Assessors Assoc. to Supervisor - Comments regarding proposed charges for a license fee to digitize and maintain tax maps.	TOWN ATTORNEY ASSESSOR
149. Wm. Schutt & Assoc. to Supervisor - Transmittal of proposal to furnish P.I.P. Construction Services to the Town.	PLANNING AND ZONING COMMITTEE
150. Building Inspector to Town Attorney - Comments re: various matters.	R & F

COMMUNICATIONS

DISPOSITION

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| 151. Planning Board to Town Board -
Recommend approve of rezone petition of
Transit Rehm Associates for property situate
at Transit and Rehm Rd. | R & F

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| 152. Planning Board to Town Board -
Recommend approval of rezone petition of
Valley Overlook Subdivision. | R & F

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| 153. Planning Board to Town Board -
Transmittal of minutes of meeting of 2/7/96. | R & F

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| 154. Resident to Town Board -
Transmittal of letter thanking the Town for
sponsoring the D.A.R.E. Program. | R & F

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| 155. NYSDEC to Town Clerk -
Transmittal of revised SEQR regulations and a
table that summarizes major changes. | R & F

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ADJOURNMENT:

ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 10:15 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk